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May 19, 2023

VIA ECF

The Honorable Peter G. Sheridan
United States District Court for the District of New Jersey
Clarkson S. Fisher Federal Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

**RE: *In re Lipitor Antitrust Litigation.*, MDL No. 2332
Master Docket 12-cv-02389 (PGS) (DEA)**

Dear Judge Sheridan:

We write on behalf of all parties in the above-referenced litigation to request the adjournment of the currently scheduled oral argument dates on Defendants' motion for summary judgment (Dkt. 1183) and Direct Purchaser Plaintiffs' motion for class certification (Dkt. No. 1221), due to counsel's scheduling conflicts, including a previously scheduled jury trial. The parties have conferred and are jointly proposing alternative dates that work for Plaintiffs and Defendants, subject to the Court's availability.

On April 14, 2023, the Court issued a Memorandum and Order (Dkt. No. 1209) that, *inter alia*, set oral argument on Defendants' motion for summary judgment on causation on June 7, 2023, and set oral argument on the Direct

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Purchaser Plaintiffs' motion for class certification on July 5, 2023.¹ Both arguments were ordered to be conducted telephonically.

With respect to oral argument on Defendants' motion for summary judgment on causation, the parties respectfully request that the argument be rescheduled to take place in person on August 1, 2023. If the Court is not available on August 1, the parties are also available for an in-person argument on August 2 or 3.

As to Direct Purchaser Plaintiffs' ("DPPs") motion for class certification, the parties respectfully request that the Court adjourn oral argument to July 28, 2023, or any date between August 1-4, 2023. Defendants wish to appear in person for the DPP class certification argument. DPPs do not believe that the DPP class certification argument need be held in person, but should the Court desire in person argument, the parties would prefer to proceed on August 1-3, 2023, in order to avoid August 4 scheduling conflicts of the arguing attorneys.

The requested modifications will not affect any other existing deadlines in this case. The undersigned counsel therefore respectfully submit this joint application requesting that this Court reschedule oral argument on both Defendants' motion for summary judgment and Direct Purchaser Plaintiffs' motion for class certification, as reflected below.

<u>Deadline</u>	<u>Current Date</u>	<u>Proposed Dates</u>
Causation (Direct Purchasers and End-Payers):	June 7, 2023, at 10:00 am and	August 1, or, alternatively, August 2, or August 3, 2023

¹ The Memorandum and Order also set oral argument on any supplemental brief filed by Defendants addressing causation related to the End-Payor Plaintiffs to be held telephonically on July 19, 2023, at 1:00 pm. The parties agree that there is no need for a separate argument on Defendants' motion for summary judgment as to the End-Payor Plaintiffs and agree that any such argument can be combined with the oral argument currently scheduled as to DPPs. Accordingly, the parties respectfully request these arguments be combined.

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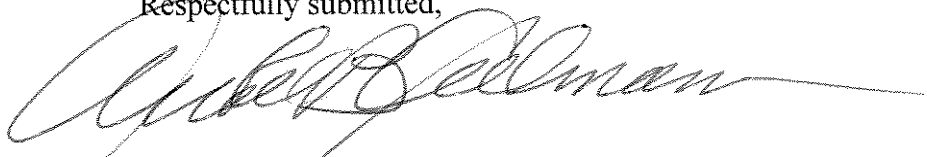
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	July 19, 2023, at 1:00 pm (telephonically)	(in person)
Class Certification (Direct Purchasers):	July 5, 2023, at 1:00 pm (telephonically)	July 28 or August 1-4, 2023 (in person or telephonically)

If the foregoing request is acceptable to the Court, we ask that Your Honor please “So Order” this letter below and have it entered on the Court’s docket.

We thank the Court for its time and attention to this matter and remain available for any questions Your Honor or Your Honor’s staff may have.

Respectfully submitted,



Arnold B. Calmann

cc: All Counsel of
Record (via ECF)

IT IS SO ORDERED

Dated: _____, 2023

BY THE COURT:

Honorable Peter G. Sheridan, U.S.D.J.